

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10001 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

Pradeep Kumar Son of Ram Vinod Mahto Resident of Village- Charo, Ward
No. -10, P.S.- Varish Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Excise
P.S. Case No. 88 C 3 of 2021 registered for the offence under
Section 30A of Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.11.2021.

The allegation against the petitioner is to have in
possession of 890.280 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioner
submitted that nothing incriminating surfaced during the course
of investigation, which may connect the petitioner with the
alleged recovery. It has further been submitted that petitioner is
the driver of the vehicle and was unaware of the consignment



loaded in the vehicle. It has further been submitted that petitioner is involved in one more case of similar nature in which he is on bail. While concluding the argument, it has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is the driver of the vehicle, as such, was unaware of the consignment loaded in the vehicle.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may connect the petitioner, who is the driver of the alleged vehicle, with the alleged recovery coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 88 C 3 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-cum-Additional Sessions Judge-II, Khagaria, subject to the following conditions:

“(i) Accused/Petitioner shall



cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ram Babu Mahto, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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